

REMARKS

In view of the above amendatory manner and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim 11 was objected to due to procedural steps being included in an apparatus claim. Claim 11 has been amended to change the procedural steps into components of the apparatus. It is requested that the objection to Claim 11 be withdrawn.

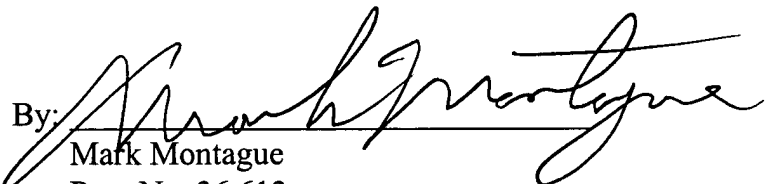
Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. The Examiner indicates that Claims 1 and 5 are unclear due to the protective layer cited as covering the clad and exposing a surface of the clad, and that it cannot accomplish both. Claims 1 and 5 have been amended to clarify that the protective layer partially covers the outside of the clad so that the tip-side surface of the clad is exposed. Support for the amendment to claims 1 and 5 is clearly set forth in Fig. 2 of the drawings, where it is shown that protective layer 13 only partially covers clad 12. It is requested that the rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-16 were rejected under 35 U.S.C. § 102(a) as being anticipated by JP 2002 202418 A to Tamaoki (the “Japanese Publication”). It is submitted that the cited Japanese Publication is not valid prior art with respect to the present application under 35 U.S.C. § 102(a) or any other subsection of § 102 for the following reasons. The inventor of the invention disclosed in the Japanese Publication is the same inventor as that of the present application. The inventor of the Japanese Publication is “TAMAOKI Hideji” (as set forth in the publication) and

the inventor of the present application is "TAMAKI Hideshi." Moreover, the referenced Japanese Publication discloses the same subject matter as that disclosed and claimed in the present application. Attached is a declaration under 37 C.F.R. § 1.131, signed by the inventor. In light of the filing of a Japanese patent application on December 28, 2000 (as identified on the front page of the patent abstract of the Japanese Publication), there was a constructive reduction to practice of the invention claimed in the U.S. application prior to the § 102(a) publication date of July 19, 2002 of the Japanese Publication. Thus, this reference is not valid prior art and cannot be utilized to reject the applicant's claims. It is therefore requested that the rejection of Claims 1-16 under 35 U.S.C. § 102(a) be withdrawn.

In view of the foregoing, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

By: 
Mark Montague
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450, on September 24, 2004

Date of Deposit

Mark Montague

Attorney


Signature

September 24, 2004

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 03-3415.